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September 23, 2021

VIA ELECTRONIC FILING
The Honorable Jocelyn G. Boyd
Chief Clerk/Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29211

Re: Dominion Energy South Carolina, Incorporated's 2021 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A); Docket No. 2021-88-E

Dear Ms. Boyd:

Dominion Energy South Carolina, Inc. (DESC) has received copies of the following documents recently submitted in this matter:

- Motion to Shorten time to Respond to Interrogatories filed by the Carolinas Clean Energy Business Association (CCEBA);
- Letter from London Economics International (LEI) dated September 22, 2021;
- Letter from Richard Whitt on behalf of CCEBA dated September 23, 2021; and
- Letter from LEI dated September 23, 2021.

We have no interest in intervening in any discussion between CCEBA and LEI regarding the due date for CCEBA's discovery requests, and understand that LEI tentatively agreed to CCEBA's proposed amended discovery due date of October 4, 2021, without the need for an order addressing the issue.

However, DESC does object to Mr. Whitt's proposal in his September 23, 2021, letter to defer the due date of CCEBA Witness Ed Burgess's Supplemental Surrebuttal Testimony until October 8, 2021. The Commission in Order No. 2021-638, dated September 22, 2021, established

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October 5, 2021, as the due date for Mr. Burgess's Supplemental Surrebuttal Testimony. As noted in the Order itself, that date was established by the Commission after a Status Conference held with all parties of record and Commission Staff. It should be noted that, during that Status Conference, John Burns, counsel for CCEBA, acknowledged that CCEBA could accept an October 5, 2021, filing date. The Commission in Order No. 2021-638 noted the discussion about preferences for due dates that occurred in the Status Conference, and then established October 5, 2021, as the due date for Mr. Burgess's testimony. In suggesting that the Commission change the October 5, 2021, due date, CCEBA apparently seeks to have the Commission reconsider its September 22, 2021 Order without actually filing a motion in that regard, which is procedurally improper.

Aside from the procedural issues with CCEBA's mere suggestion, it would be substantively improper to further delay the filing date for Mr. Burgess's Supplemental Surrebuttal Testimony. The purpose of allowing Mr. Burgess to file Supplemental Surrebuttal Testimony is, as expressly noted in Order No. 2021-638, to respond to changes to amendments and revisions in the testimony of DESC Witness Peter B. David. CCEBA does not need discovery responses from LEI to prepare testimony responding to Mr. David. The only discovery responses that may be needed by CCEBA to prepare Mr. Burgess's Supplemental Surrebuttal Testimony are those discovery responses that were provided by DESC to CCEBA on September 21, 2021. If CCEBA has questions or concerns with LEI's report in this docket, it may separately address those questions or concerns by filing responsive testimony on October 8, 2021, which was previously established as the date for responding to LEI's report and which CCEBA apparently otherwise finds acceptable. CCEBA also can conduct cross-examination of the LEI representative at the hearing. But discovery from LEI is not necessary to file Supplemental Surrebuttal Testimony regarding Mr. David, and to imply otherwise would be less than candid.

Moreover, DESC must be provided with adequate time to review and evaluate that testimony before the hearing in this matter reconvenes on October 11, 2021. Indeed, in setting the October 5 deadline for CCEBA, the Commission stated in its order, "This will provide time for all interested parties to have such pre-filed testimony prior to when the hearing resumes at 10:00 a.m. on Monday, October 11th, 2021." As it is, DESC will have only three business days to review Mr. Burgess's testimony and prepare any response or cross-examination before the hearing reconvenes; CCEBA's proposal would reduce that time to only one-half business day. As the applicant, DESC has a right to be heard meaningfully on the issues being presented to the Commission, and a three-day delay in the filing date for Mr. Burgess's testimony will impair that right.

In sum, DESC should not be disadvantaged in presenting its case and representing its interests simply because CCEBA unreasonably delayed and did not promptly file its discovery requests upon LEI. CCEBA is not required to file Mr. Burgess's Supplemental Surrebuttal Testimony at the same time and in the same document that it files its testimony responding to Mr. David. In fact, it should file them separately in two separate documents especially because of the unique and limited purpose accorded CCEBA in being permitted to file Supplemental Surrebuttal Testimony. Consequently, CCEBA's request to move the due date for filing its Supplemental Surrebuttal Testimony responding to Mr. David should be rejected, or perhaps, more appropriately, dismissed as procedurally defective.

If you have any questions regarding this matter, please advise.

Very truly yours,

WILLOUGHBY & HOEFER, P.A.

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